



A Publication of the
FUNERAL DIRECTORS EXAMINING BOARD

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Secretary Marlene Cummings Retires

Secretary Marlene Cummings retired from state service on February 25, 2001. She had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

Governor Thompson said Secretary Cummings had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

Governor McCallum Appoints Herrera

Governor Scott McCallum announced on March 30, 2001, that he had appointed Oscar Herrera as the Secretary of the Department of Regulation and Licensing. Herrera has served sixteen years in state government including from 1999 to the time of his appointment as the Director of the Bureau of Minority

Business Development in the Department of Commerce. From 1992 to 1998 he was the Director of the Wisconsin Coastal Management Program in the Department of Administration, and from 1985 to 1991 worked as a program and planning analyst with the Coastal Management Program. He was twice awarded the Department of Administration's Exceptional Performance Award.

Herrera was born and raised in Mexico City. He obtained a Bachelor's degree in Economics from the National University of Mexico and a Master's degree in Agricultural Economics from the University of Chapingo in Mexico. He also attended the University of Wisconsin-Madison where he obtained a Master's degree in Continuing and Vocational Education and completed Doctoral studies (Ph.D.abd) in Development.

Licensing Statistics

The number of active licensees as of May 17, 2001 is as follows:

Funeral Directors –	1,309
Funeral Establishments –	653
Apprentices –	91
Agents for Insurance-funded Burial Agreements –	332

**THE WISCONSIN FUNERAL DIRECTORS
EXAMINING BOARD**

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Complaint Statistics

The complaint statistics for January 1, 2000 through December 28, 2000, were as follows:

- Complaints Received – 26
- Complaints Closed After Screening – 18
- Complaints Closed After Investigation – 3
- Complaints Closed With Formal Action – 6

Use of National Board Exam on the Horizon

The Board received a report from Exam Specialist, Raymond Brown, on 11/06/00, regarding the validity of the National Board Examination (NBE).

Mr. Brown informed the Board that he and Barbara Showers, Director of the Department's Office of Examinations, reviewed the most current validation study conducted by the Applied Measurement Professionals (AMP), regarding the National Board Examination (NBE). Mr. Brown informed the Board that the Office of Examinations no longer has reservations concerning the use of the NBE.

Mr. Brown identified various procedural issues relating to the use of the NBE and suggested the Board consider combining the reciprocal exam and the arts exam into one exam for Wisconsin state law.

The Board concluded the discussion by passing the following motion: That The Exam Office proceed toward using the NBE exam and that the Exam Office provide more logistical information relating to dates, locations, and the administration of the national exam; that the Exam Office explore the possibility of administering the state exam at the same time as the NBE, and that the Exam Office explore the possibility of combining the reciprocal exam with the arts exam into one state law exam.

Legislative Update – Biennial Budget Bill

The Biennial Budget Bill was introduced as SB 55 and AB 144. The Joint Finance Committee is reviewing the biennial budget proposal at this time and the full legislature will deliberate on it within the next month or two. Some provisions of note to funeral directors are the following:

Certificates in Good Standing. The Biennial Budget Bill would eliminate certificates of good standing and provide a grace period for converting a currently-held certificate in good standing to an active funeral directors license. While this provision is in the Budget Bill, there are no guarantees that it will remain in the bill or become law. This provision has been in the Budget Bill once or twice in the past.

Increase Irrevocable Trust Funds. The Biennial Budget Bill would also increase the maximum amount of trust funds that may be made irrevocable under a burial agreement from \$2,500 to \$3,300.

Electronic Transmittal of Final Disposition. The Biennial Budget Bill would permit a funeral director to transmit a report of final disposition electronically, as well as by mail.

Fee Changes. The Biennial Budget Bill proposes an increase in original registration fees for all occupations and professions licensed by the Department from \$44 to \$56. There are indications that this fee will be reduced to \$53. The proposed renewal fee for funeral directors would decrease from \$140 to \$135. Funeral establishment renewal fees would increase from \$47 to \$56.

Administrative Rule Changes

The Funeral Directors Examining Board has given official notice that it intends to amend several of its rules. Such notice is called a Scope Statement. It contains the following information:

Subject. Funeral director licensing examination, continuing education and apprenticeships.

DESCRIPTION OF POLICY ISSUES.

Objective of the Rule.

- To provide for a national portion and a state portion of the licensing examination.
- To authorize the board to accept the passing score established by the International Conference of Funeral Service Examining Boards, Inc., for the national portion of the examination.
- To specify the number of embalmings that must be performed at various times during an apprenticeship.
- To better address the contents of continuing education courses and the qualifications of instructors.
- To clarify that the state portion of the examination is the same for all applicants, including reciprocal applicants.

Describe the Existing Policies That Are Relevant To The Rule. The current rule on examinations does not state that there are 2 parts to the funeral directors examination. It does specify how the passing grade on the funeral directors examination is determined and it states that applicants who violate the rules of conduct of an examination may be denied the release of their grades or denied a license. The current rule on apprenticeships does not state that a certain number of embalmings must be performed at various periods during the apprenticeship. The current rule on continuing education describes

the number of continuing education hours that are required in 4 content areas. It also describes the procedures for approval of continuing education programs. However, it does not list instructor qualifications. The current rule provides the procedure for determining the passing score on the reciprocal Wisconsin law exam.

Describe The New Policies That The Rule Proposes To Include And Provide An Analysis Of Policy Alternatives. Policies would be changed to:

- Provide for a national and a state portion of the examination.
- Clarify how the passing score is determined on the national and the state portion of the examination.
- Require a specified number of embalmings at various times during an apprenticeship.
- Have one state portion of the examination for reciprocal and non-reciprocal applicants.
- Limit the number of continuing education hours that may be obtained from the funeral establishment that employs a funeral director.
- Create criteria for instructor approval.

Failure to Pay Child Support

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses, including those issued by the Department of Regulation and Licensing and its regulatory boards.

Recently-enacted Wisconsin laws (mandated by the federal government) give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support. Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Revisions to Funeral Establishment Application

The funeral establishment application form was recently revised by amending the list of requirements that must be satisfied by a funeral establishment in order to be in compliance with rules of the Board and federal regulations. If you would like to ascertain that your establishment is still in compliance with these rules and regulations, please request a copy of the application form from staff of the Department.

Certificates in Good Standing

The Board's current position regarding the conversion of a certificate in good standing to an active funeral director's license is the following: a person who has held a certificate of good standing for 5 years or more must obtain 30 continuing education units, with a minimum of 6 credits from Sec. 4.04(1)(a)(2), Stats., professional conduct, business ethics or legal aspects and a minimum of 10 credits from Sec. 4.04(1)(a)(4), Stats., technical or practical aspect, take and successfully pass the state law exam and perform 9 embalmings within 12 months, under the direct supervision of a licensed embalmer.

Regulation of Crematories

The Board has requested that a legislative draft be prepared by the Legislative Reference Bureau. As soon as a draft has been received, the Board will review it one more time. Then it will request a final draft and will contact legislators who may be interested in introducing or sponsoring the bill. The Board believes that this type of legislation is needed now and the Board will appreciate your taking the initiative to contact your legislators and help them understand the issues. It is time to be proactive, rather than reactive on cremation issues, as the number of cremations in Wisconsin continues to grow.

Correction to Consumer Guide

On November 14, 2000, the Board corrected an error in its booklet, entitled, "A Consumers Guide For Pre-Planning a Funeral." The Board corrected the second item under "What Requirements Exist for Funeral Policies?" This item now reads: "If a single, lump sum premium payment is made, the premium amount may not exceed the current costs of the prearranged funeral plan."

Disciplinary Actions

PETER S RINKA

LOYAL WI

REPRIMAND/COSTS

Engaged in the business of a funeral director while his funeral director's licenses were lapsed/expired. Effective 12/1/2000. Sec. 445.04(2), Stats. Case #LS0012011FDR

JEFFREY D. WARD

d/b/a BRUNI-NYGAARD-WARD FUNERAL HOME

EDGERTON WI

REPRIMAND/LIMITED

Continued operation as a funeral director and a funeral establishment without current and active licenses. Effective 11/14/2000. Secs. 445.04(1),(2), 445.105(1), Stats. Case #LS0011142FDR

KRISTIN M CUDDIE

RONALD D CUDDIE

OWEN WI

SUSPENDED/COSTS/FORFEITURES

Solicited and assisted in the transfers of burial trusts from a funeral home to nonexistent funeral homes and to their prospective funeral homes. Falsely completed and represented to the department pursuant to their renewal applications that they had completed 15 hours of approved continuing education during the previous two year period. Suspended 1/12/2001-

Department of Regulation and Licensing
Funeral Directors Examining Board
P.O. Box 8935
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REGULATORY DIGEST

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RETURN SERVICE REQUESTED

Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various extensions. For the following requests, please press numbers as noted:

Applications Forms	Press 11
Complaints Against Licensees	Press 12
Application Processing & Requirements	Press 42
Whether A Person is Licensed	Press 442
Fax Number	608) 267-3816

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Codes Relating for the Funeral Directors Examining Board can be ordered from the Department. Include your name, address, county and a check payable to the

Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated January 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

SECTION. 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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Bi-annual digest subscriptions are published for all Boards housed within the Department at a cost of \$2.11 each per year. **LICENSEES RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE.** Others may send the fee and this form to the address listed above.

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